

## **SECTION 6. CODE ENFORCEMENT**

The City's Code Enforcement Division, a division of the Department of Housing and Neighborhood Revitalization, is primarily responsible for enforcing the Fresno Municipal Code ("FMC"). The code enforcement effort over the years was driven by citizen complaints. In recent years, the Mayor and Council have become much more proactive in their efforts to beautify the City and abate blight conditions. Thus, referrals by the Mayor and Council have increased dramatically.

In general, City staff confirms a violation and attempts to resolve the matter with the property owner. The City has tremendous success in obtaining compliance at the administrative level. However, there is a consistent percentage (10%+) of violations which are not quickly resolved and result in an escalation of the matter to the City Attorney's Office. Typically, the City Attorney's Office will institute legal action to obtain a court order directing the property owner to comply with the FMC or otherwise cease maintaining a public nuisance.

Historically, the City has prioritized matters involving imminent health and safety hazards as the top priority for its limited code enforcement resources. The FMC provisions which have been most frequently relied upon in the City's enforcement efforts are as follows:

- Housing - FMC Chapter 13, Article 11 regulates substandard residential buildings, wherein a condition endangers the life, health, safety, property or welfare of the public or the occupants thereof.
- Dangerous Building - FMC Chapter 13, Article 12 regulates all dangerous buildings, residential and commercial, which are dangerous or unsafe for the public or occupants.
- Public Nuisance - FMC Chapter 8, Article 9 declares certain land uses to be a public nuisance, including violations of the zoning ordinance.
- Sign Ordinance - FMC Chapter 13, Article 9 authorizes the City to enforce signage standards within the City.
- Miscellaneous Enforcement - Enforcement involving a variety of other code violations is handled by the City Attorney's Office; these include dance permits, taxicab permits, Fire Code violations, and alcohol CUP violations.

The City Attorney's Office has undertaken considerable FMC revisions to aid in code enforcement. These have been for the purpose of streamlining the process, updating the FMC to comply with state and federal law, adding new subject areas for

enforcement, and coordinating the various code violations. The City Attorney's Office has also provided staff training and is available to provide counsel to staff.

This Office has been increasingly called upon to pursue innovative and proactive code enforcement methods. We have researched and worked closely with Council, City Manager, Police, Housing and Neighborhood Revitalization ("HNR") and the Development Department in the following areas:

- Illegal Activity - Utilized state and local law along with a problem oriented policing ("POP") teams, Neighborhood Policing Officers ("NPOes"), Multi Agency Gang Enforcement Consortium ("MAGEC"), HNR staff and neighborhood groups to locate and prosecute drug houses, gang activities and prostitution.

Prostitution/Loitering prosecutions have changed significantly from 1997. The number of prostitutes walking Fresno's streets has declined considerably. In 1997, there were almost 700 such cases filed. In 1998, there were 353 cases filed. In 1999, the number was 139 and in 2000, it will be approximately the same. The reduction in the number of cases can be attributed primarily to two factors: (1) The number of street prostitutes has gone down substantially due to aggressive enforcement and prosecution; and (2) The police department has been very successful with the Prostitution Abatement and Rehabilitation ("PAR") and Escape Programs which are diversion programs for the prostitutes and johns who are not hard core, in an attempt to get them off the streets. The aggressive enforcement effort on the street prostitutes, however, has pushed some of the prostitution activity indoors in the form of exotic dancers. Two new ordinances will be presented to Council in the near future which are expected to provide additional enforcement tools to help deal with this problem.

- Substandard Buildings - Aided HNR in its efforts to abate substandard buildings under both state and local law.
- Cardroom Ordinance - Enforcement in this area has consumed a large amount of time as it involves state, civil, and criminal laws and the cardrooms involve intense law enforcement oversight.
- Management of Real Property Ordinance - FMC Chapter 9, Article 9 is enforced by the Chief of Police with oversight and legal action by the City Attorney's Office. It regulates habitual behavioral nuisance activity. It is designed to encourage property owners to take charge of their property so behavioral nuisances do not occur. It has been successful at getting compliance from property owners without having to resort to the legal process so far.

- Public Nuisance Ordinance - Most recently, the Council added subdivision (k) to FMC Section 9-804 declaring pay telephones to be public nuisances wherein the phone is repeatedly used for criminal activity, is tagged with graffiti, or is neglected or abandoned.

# # #